
HOUSE BILL No. 1125

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-4.

Synopsis: Motor vehicle offenses. Makes it a Class B misdemeanor for a person to knowingly or intentionally enter a motor vehicle without having: (1) the permission of the owner or lessee of the motor vehicle; or (2) a contractual interest in the motor vehicle. Makes the offense: (1) a Class A misdemeanor if the motor vehicle's steering column or ignition is altered or damaged after the person enters the motor vehicle; and (2) a Class D felony if the person occupies the motor vehicle while the motor vehicle is used to further the commission of a crime. Makes it a Class D felony for a person to knowingly or intentionally possess, operate, sell, trade, or otherwise control a motor vehicle without having: (1) the permission of the owner or lessee of the motor vehicle to do so; or (2) a contractual interest in the motor vehicle. Makes the offense a Class C felony if the person controls the motor vehicle while the motor vehicle is used to further the commission of a crime. Provides defenses to prosecutions for the offenses established by this bill.

Effective: July 1, 2004.

GiaQuinta, Pond

January 13, 2004, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1125

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-43-4-2.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 2.7. (a) This section does not apply to the following:**

4 **(1) A public safety employee acting within the scope of the**
5 **employee's lawful duties.**

6 **(2) A motor vehicle that must be moved because the motor**
7 **vehicle is abandoned or otherwise improperly parked.**

8 **(b) As used in this section, "motor vehicle" has the meaning set**
9 **forth in IC 9-13-2-105(a).**

10 **(c) A person who knowingly or intentionally enters a motor**
11 **vehicle without having:**

12 **(1) the permission of the owner or lessee of the motor vehicle**
13 **to enter the motor vehicle; or**

14 **(2) a contractual interest in the motor vehicle;**
15 **commits unauthorized entry of a motor vehicle, a Class B**
16 **misdemeanor.**

17 **(d) The offense under subsection (c) is:**



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(1) a Class A misdemeanor if the motor vehicle's steering column or ignition is altered or damaged after the person enters the motor vehicle; or

(2) a Class D felony if the person occupies the motor vehicle while the motor vehicle is used to further the commission of a crime.

(e) It is a defense to a prosecution under this section that the accused person reasonably believed that the person's entry into the vehicle was necessary to prevent bodily injury or property damage.

SECTION 2. IC 35-43-4-2.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2.9. (a) This section does not apply to the following:

(1) A public safety employee acting within the scope of the employee's lawful duties.

(2) A motor vehicle that must be moved because the motor vehicle is abandoned or otherwise improperly parked.

(b) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).

(c) A person who knowingly or intentionally possesses, operates, sells, trades, or otherwise controls a motor vehicle without having:

(1) the permission of the owner or lessee of the motor vehicle to do so; or

(2) a contractual interest in the motor vehicle; commits unauthorized control of a motor vehicle, a Class D felony.

(d) The offense under subsection (c) is a Class C felony if the person possesses, operates, sells, trades, or otherwise controls the motor vehicle while the motor vehicle is used to further the commission of a crime.

(e) It is a defense to a prosecution under this subsection that the accused person reasonably believed the person's conduct was necessary to prevent bodily injury or property damage.

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